

*FiberNet, LLC
211 Leon Sullivan Way
Charleston, WV 25301*

March 17, 2003

EX PARTE – Via Electronic Filing Only

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: WC Docket No. 02-384, *Application by Verizon Maryland Inc., Verizon Washington D.C. Inc., Verizon West Virginia Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services, Inc., for Authorization to Provide In-Region, InterLATA Services in Maryland, Washington, D.C., and West Virginia*

Dear Ms. Dortch:

The purpose of this ex parte letter is to provide additional information on an important issue raised by FiberNet, LLC (“FiberNet”) in both its January 9, 2003 comments and its January 31, 2003 reply comments in the above-captioned proceeding. Specifically, the information being provided herein relates to the discussions regarding “M-Loop and Facility Reuse” found on pages 19-23 of FiberNet’s January 9, 2003 comments and on pages 16-20 of FiberNet’s January 31, 2003 reply comments.

As FiberNet has pointed out previously, the M-Loop is to function much like an Enhanced Extended Loop or EEL. Under the M-Loop scenario, FiberNet would order a DS-1 facility from Verizon West Virginia. FiberNet would then break down each of the 24 channels associated with this DS-1 to a DS-0 level for use as individual loops to serve end user customers. FiberNet is using this M-Loop product to transfer existing resale customers to on-net facilities. More importantly, this is a process that Verizon West Virginia expressly agreed to during state Section 271 proceedings before the Public Service Commission of West Virginia.

Unfortunately, however, the M-Loop and facility reuse product, and the ordering and provisioning processes necessary to effectively use this product have been fraught with delays and problems solely of Verizon West Virginia's making. To date, FiberNet has only been able to complete 709 lines of M-Loop cuts. Similarly, FiberNet ordered 11 DS-1s on February 15, 2003 that will serve 264 lines of new customer sales. However, Verizon West Virginia continues to push out the firm order confirmation ("FOCs") for these facilities. For example, FiberNet originally received FOCs from Verizon West Virginia with dates of March 13 and March 14 that have now been pushed back to March 21 and March 24, respectively. Making matters worse, Verizon West Virginia will not allow FiberNet to submit sub-tending loops along with these DS-1s and cannot, or will not, inform FiberNet as to when the lines associated with these orders can or will be scheduled for installation.

As a result, every M-Loop line must be scheduled and routed according to Verizon West Virginia's schedule, whatever Verizon West Virginia unilaterally determines that schedule to be, and the intervals for M-Loop completion have literally taken months in some instances. Consequently, FiberNet has approximately 800 lines ready to be converted and turned up via M-Loop that are effectively stalled because Verizon West Virginia simply refuses to accept FiberNet's orders for these lines. This is clearly contrary to Verizon West Virginia's express commitments made during the Section 271 proceedings before the Public Service Commission of West Virginia regarding the meaningful use of the M-Loop product by FiberNet.

In order to resolve this matter, FiberNet believes that it should be permitted to submit LSRs/ASRs for all of its pending 800 or so lines as soon as they are ready, and Verizon West Virginia should be required to process these orders just as it would with any typical loop and number port order. As it stands now, FiberNet is using 2 employees on a full time basis just to schedule, reschedule, submit and resubmit LSRs according to Verizon West Virginia's ever-changing ordering and installation requirements. If this process worked as it should, FiberNet should be able to submit to Verizon West Virginia all of the documentation necessary to convert and turn up all of FiberNet's remaining M-Loop orders in about one week.

More importantly from FiberNet's perspective, at Verizon West Virginia's current rate of processing and converting FiberNet's M-Loop orders, FiberNet's planned conversion schedule, which was originally projected to be the end of February 2003, will be delayed for months on a going forward basis, and further illustrates why Verizon West Virginia should not be granted Section 271 operating authority in West Virginia. During the underlying state Section 271 proceedings, Verizon West Virginia represented that it would work constructively with FiberNet in an effort to develop an efficient and timely M-Loop conversion process. FiberNet relied upon Verizon West Virginia's representation in this regard, and despite numerous discussions with Verizon West Virginia representatives since that time, the M-Loop conversion process has gotten progressively worse instead of better. Thus, until such time as Verizon West Virginia demonstrates a renewed commitment to handling FiberNet's M-Loop orders in a timely

and efficient manner, Verizon West Virginia should not be found to be in compliance with Section 271.

Please feel free to contact me if the Staff has any other questions of FiberNet regarding this issue. I may be contacted directly by telephone at (304) 720-2159. Also, Jack Wade, FiberNet's Vice President of Provisioning & Engineering may be contacted for further details. Mr. Wade can be reached directly at (304) 720-2199.

Sincerely yours,

A handwritten signature in black ink that reads "Steven Hamula". The signature is written in a cursive style with a large, stylized "S" and "H".

STEVEN HAMULA
Director of Regulatory Affairs
FiberNet, LLC

SH/s